

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Restriction Requirement mailed on October 18, 2005, and the references cited therewith.

No claims are amended, canceled, or added; as a result, claims 1-19 are now pending in this application.

#### **Election/Restriction**

Restriction to one of the following inventions was required under 35 USC 121:

I. Claims 1-8 and 19, drawn to a parallel optical transceiver package assembly tool for integration of an optoelectronic device, classified in class 385, subclass 134.

II. Claims 9-18, drawn to a method of integrating an optoelectronic device into an optical transceiver package, classified in class 385, subclass 147.

Applicant provisionally elects, with traverse, to prosecute the invention of Group I (i.e., claims 1-8 and 19). The Restriction Requirement is traversed, at least in part, on the basis that restriction requirements are optional in all cases. MPEP 803. As the section further states, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits.

Applicant notes that independent apparatus claim 1 of Group I recites:

A parallel optical transceiver package assembly tool for integration of an optoelectronic device with a parallel optical transceiver package, said tool comprising:

a clamp base;  
a rocker plate clamp frame pivotally connected to the clamp base, the rocker plate clamp frame having a mounting recess adapted to receive the optoelectronic device; and  
a rocker plate pivotally connected to the rocker plate clamp frame for positioning the optoelectronic device.

Independent method claim of Group II recites:

clamping the optoelectronic device to an assembly tool;  
positioning the assembly tool above an electronic substrate of the parallel optical transceiver package;

curing an adhesive to the optoelectronic device; and  
attaching the optoelectronic device to the electronic substrate.

In addition, independent apparatus claim 19 of Group I recites:

An optoelectronic device integration tool for connecting an optoelectronic device to an electronic substrate of a parallel optical transceiver package, the tool comprising:

means for retaining the optoelectronic device within a mounting frame;

means for securing the optoelectronic device to the parallel optical transceiver packages; and

means for securing the optoelectronic device against the electronic substrate during the connection process.

Applicant respectfully submits that in searching for references regarding each of the independent claims in Group I or Group II, the Examiner will likely be identifying references applicable to each of the independent claims in the other group. Therefore, a search for references to allow examination on the merits of all the independent claims will not create a serious burden for the Examiner, in particular because there are only a total of 19 claims pending in the present application.

Applicant respectfully submits that apparatus claim 19 is a linking claim that recites three “means for” elements for “practicing a process linking proper apparatus and process claims.” Specifically, the elements in claim 19, namely, “[m]eans for retaining the optoelectrical device with a mounting frame”, “[m]eans for securing the optoelectronic device to the parallel optical transceiver packages”, and “[m]eans for securing the optoelectronic device against the electronic substrate during the connection process” each correspond to elements within both apparatus claim 1 and method claim 9. Hence, a search for claim 19 would likely include the subject matter of independent claims 1 and 9.

Additionally, it is respectfully submitted that Applicant should not be required to incur the additional costs associated with filing multiple divisional applications, given that the present application itself results from a continuation-in-part of the original application, in order to obtain protection of the claimed subject matter.


Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement, and that claims 1-19 of the present application be examined on the merits together.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.

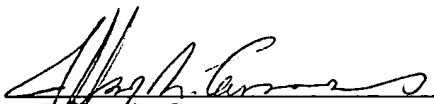
**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 16<sup>th</sup> day of February, 2006.

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